

REMARKS/ARGUMENTS

Claim Objections

The Examiner has objected to claim 1.

The appropriate correction has been made to claim 1.

Claim Rejections

35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 5, and 6 as being anticipated by Powers (United States patent no. 904,990.)

The critical distinction between the present invention and United States patent no. 904,990 is, Applicant respectfully believes, the fact that the present invention has a handle with a blunt threaded projection at a first end which fits securely against a blunt end of the cap whereas the handle of Powers has a pointed first end and a spherical cap on the file so that the angle of the file relative to the handle can be changed.

The blunt threaded projection at the first end of the handle and the blunt end of the cap against which the first end of the handle fits is apparent from the two figures in the present application. The text in the original Application which supports the threaded projection at the first end of the handle being blunt is found on line 34 of page 2 through line 2 of page 3:

. . . The cap 2 is then screwed closer to the first end 5 of the elongated base 3 until the plastic cap 12 is securely retained in the channel 6 between the second end 9 of the cap 2 and the projection 4.

In accordance with FIGS. 1 and 2 as well as the preceding language, paragraph [0016] and claims 1, 9, and 10 have been amended (and new claims 11, 19, and 20 have been written) to reflect the fact that the projection is blunt.

With a handle having a pointed first end, the device of the patent could not, Applicant respectfully submits, securely retain the file. Indeed, the Powers indicates that the file is intended to be rotatable. Although Powers claims that the file can be securely retained when the cap is tightened, elementary physics, Applicant respectfully believes, shows that a pointed surface touching a spherical surface will not create secure retention.

New claims 11 through 20 are the same as the amended set of claims 1 through 10 except that new claims 11 through 20 have been written in the means plus function format.

Claims 3, 9, and 10 have been amended (and claims 13, 19, and 20 have been written) to reflect the fact that, as shown in FIG. 2 and both as shown and described in United States patent no. 3,247,594 (which the original Application—in paragraph [0003]—indicates has become a traditional cap for an endodontic file) is blunt, *i.e.*, has a blunt end away from the tip of the file.

35 U.S.C. § 103

The Examiner has also rejected claims 3, 4, and 7 through 10 as being unpatentable over Powers in view of Lovaas (United States patent no. 5,197,880).

Applicant respectfully believes that the amendments discussed above render this ground of rejection inappropriate.

Additionally, however, paragraphs [0007] and [0017] have been amended explicitly to state that which is apparent from FIG. 2, *viz.*, after having once crossed the centerline, the endodontic file does not again cross the centerline. Claims 7 and 10 have been accordingly

amended, and claims 17 and 20 have been so written. And once the file of Lovaas crosses the centerline, it always does so multiple times.

Applicant respectfully requests the Examiner to allow Claims 10 through 42.

DATED this 1st day of May, 2006.

Respectfully,

Steven S. Larsen

By Thompson E. Fehr
Thompson E. Fehr
Attorney
Registration No. 31353
(801) 393-6292

Attorney's Address:

Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden, Utah 84403